

**Robbins Geller
Rudman & Dowd LLP**

Chicago Melville Nashville San Diego Wilmington
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September 12, 2024

VIA ECF

Magistrate Judge Joseph A. Marutollo
United States District Court
for the Eastern District of New York
225 Cadman Plaza East
Courtroom N324
Brooklyn, NY 11201

Re: *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*,
No. 1:05-MD-1720 (MKB)(JAM)

Dear Judge Marutollo:

Rule 23(b)(3) Class Counsel (“Class Counsel”) writes to provide additional information regarding Betz & Baril and Certainty Management, both subject to an Order to Show Cause. ECF 9408. Class Counsel, in conducting further investigation, discovered a third video from Betz & Baril and Certainty Management. We include here a rough transcription of the third video. *See* Ex. A. This video, like the other videos we brought to the Court’s attention, is riddled with false and misleading statements, again claiming, without correction, that the Betz & Baril firm is “court-appointed.” *See* Ex. A at 4,7. Throughout the video, the impression is that the Betz & Baril firm was counsel for the class, working for years on the litigation. *See* Ex. A at 8-9. Of course, this is not true. There are numerous other misleading and factually incorrect statements in the video, including statements that settlement funds could revert to defendants.

On September 11, 2024, Class Counsel wrote to both Jason Baril and Patrick Laing of Certainty Management alerting them to the discovery of this third video and questioning why the video was still available. Class Counsel suggested Mr. Laing remove the subject videos from the internet. It appears that video has been removed, but at least one other misleading video remains available online.

Respectfully submitted,

/s/ Ryan W. Marth
K. Craig Wildfang
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/s/ Alexandra S. Bernay
Patrick J. Coughlin
Alexandra S. Bernay
**Robbins Geller Rudman
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Exhibit A
cc: All Counsel via ECF